

## HEALTH OCCUPATIONS TITLE 19. SOCIAL WORKERS

### *SUBTITLE 2. STATE BOARD OF SOCIAL WORK EXAMINERS*

#### **§ 19-201. Board established**

There is a State Board of Social Work Examiners in the Department.

#### **§ 19-202. Membership**

(a) Composition; appointment of members. --

(1) The Board consists of 12 members.

(2) Of the 12 Board members:

(i) 10 shall be licensed social workers of whom:

1. Subject to paragraph (3) of this subsection, 1 is a licensed social work associate;

2. Subject to paragraph (3) of this subsection, 1 is a licensed graduate social worker at the time of appointment;

3. Subject to paragraph (3) of this subsection, at least 1 is a licensed certified social worker;

4. Subject to paragraph (3) of this subsection, at least 4 are licensed certified social workers-clinical;

5. 1 is a licensed social worker employed by the Department of Human Resources; and

6. Subject to paragraph (3) of this subsection, 1 is a licensed social worker who is:

A. Primarily engaged in social worker education at a social work program accredited by the Council on Social Work Education; and

B. Nominated from a list of names submitted by the deans and directors of the Maryland Social Work Education Programs; and

(ii) 2 shall be consumer members.

(3) If a licensed social work associate, a licensed graduate social worker, a licensed certified social worker, a licensed certified social worker-clinical, or a licensed social worker is not appointed to the Board under paragraph (2)(i) of this subsection within 6 months of a vacancy, a licensee of any license level shall be appointed immediately if that licensee is qualified to be a member of the Board under subsections (b) and (d) of this section.

(4) The Governor shall appoint all members of the Board with the advice of the Secretary

and the advice and consent of the Senate.

(5) The Governor shall appoint all social work members of the Board from a list of nominees containing names submitted by:

(i) Professional social work associations in the State;

(ii) Any person who provides a statement of nomination signed by at least 25 social workers licensed in the State; or

(iii) The secretaries of public agencies of the State where social workers are employed.

(b) State residency. -- Each member of the Board shall be a resident of this State.

(c) Qualifications of consumer member. -- Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a social worker or in training to become a social worker;

(3) May not have a household member who is a social worker or in training to become a social worker;

(4) May not participate or ever have participated in a commercial or professional field related to social work;

(5) May not have a household member who participates in a commercial or professional field related to social work; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board or a person that employs a person regulated by the Board.

(d) Licensing requirement. -- Except for the licensed social worker associate member and the licensed graduate social worker member, each social worker member of the Board shall have been licensed in the State for 5 years immediately preceding the appointment and actively employed in the field of social work for at least 3 of the 5 years immediately preceding the appointment.

(e) No financial interest by consumer member. -- While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board or a person that employs a person regulated by the Board.

(f) Oath. -- Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) Terms; vacancies. --

(1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than 2 consecutive full terms.

(6) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) Removal. --

(1) The Governor may remove a member for incompetence, misconduct, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

#### **§ 19-203. Officers**

(a) In general. --

(1) From among its members, the Board shall elect a chair, vice chair, and secretary-treasurer every 2 years.

(2) The Board may elect other officers as necessary to fulfill the duties and responsibilities of the Board.

(b) Election; duties. -- The Board shall determine:

(1) The manner of election of the chair, vice chair, secretary-treasurer, and other officers; and

(2) The duties of each officer.

#### **§ 19-204. Quorum; meetings; reimbursement; staff; executive director**

(a) Quorum. -- A majority of the appointed members of the Board is a quorum to do business.

(b) Meetings. -- The Board shall meet at least once a year, at the times and places that it determines.

(c) Reimbursement. -- Each member of the Board is entitled to reimbursement for expenses at a rate determined by the Board.

(d) Staff. -- The Board may employ a staff in accordance with the budget of the Board.

(e) Executive director. --

- (1) The Board shall appoint an executive director.
- (2) The executive director:
  - (i) Serves at the pleasure of the Board;
  - (ii) Is the executive officer of the Board; and
  - (iii) Has the powers and duties assigned by the Board.

#### **§ 19-205. Miscellaneous powers and duties**

In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

- (1) To adopt rules and regulations to carry out the provisions of this title;
- (2) To adopt a code of ethics;
- (3) To adopt an official seal;
- (4) To hold hearings and keep records and minutes necessary for the orderly conduct of business;
- (5) To issue a list annually of all currently licensed social workers and all social workers disciplined by the Board in the past year in accordance with § 10-617 (h) of the State Government Article; and
- (6) To investigate an alleged violation of this title.

#### **§ 19-206. State Board of Social Work Examiners Fund -- Establishment of fees; list of fees; disposition of funds**

- (a) Fund established. -- There is a State Board of Social Work Examiners Fund.
- (b) Fees in general. --
  - (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.
  - (2) The fees charged shall be set to produce funds so as to approximate the cost of maintaining the Board.
  - (3) The Board may set fees for the issuance and renewal of each type of license.
  - (4) Funds to cover the expenses of the Board members shall be generated by fees set under this section.
- (c) Application fees. -- An application fee may be charged by the Board.

(d) List of fees. -- The Board shall provide a list of the fees set under this section to each applicant for a license.

(e) Disposition of fees. --

(1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Board of Social Work Examiners Fund.

(f) Fund -- Uses; nature; reversion; funding. --

(1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(g) Fund -- Administration; expenditures. --

(1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(h) Fund -- Audits. -- The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

### **§ 19-207. Good faith exemption from civil liability**

A person shall have the immunity from liability described under § 5-718 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.